

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 JOSHUA JESSE CANTU,	) Case No.: 1:20-cv-0386 JLT HBK (PC)
12 Plaintiff,	) ORDER ADOPTING THE FINDINGS AND
13 v.	) RECOMMENDATIONS DISMISSING THE
14 P. WARD, et al.,	) ACTION WITHOUT PREJUDICE
15 Defendants.	) (Doc. 56)
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Joshua Jesse Cantu initiated this action by filing a prisoner civil rights complaint under 42 U.S.C. § 1983. On September 30, 2022, Defendants filed “Notice of Suggestion of Death of Plaintiff Joshua Jesse Cantu.” (Doc. 55.)

On January 6, 2023, the magistrate judge observed that Plaintiff was proceeding *pro se*, and “Defendants certify under oath that a search of records, including active probate matters, did not reveal any next of kin for Plaintiff.” (Doc. 56 at 2, citing Doc. 55 at 1-2.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice due to Plaintiff’s death. (*Id.* at 2.) The Findings and Recommendations were served on all parties, who were granted fourteen days to file any objections. (*Id.*) On January 17, 2023, the document served upon Plaintiff was returned marked: “Undeliverable, RTS, Unclaimed, Unable to Forward.” Defendants have not filed any objections.

According to 28 U.S.C. § 636(b)(1)(C), the Court conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes the Findings and Recommendations are

supported by the record and by proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on January 6, 2023 (Doc. 56) are **ADOPTED** in full.
  2. The action is **DISMISSED** without prejudice pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure.
  3. The Clerk of Court shall terminate any pending deadlines and close this case.

IT IS SO ORDERED.

Dated: **January 24, 2023**

Jennifer L. Thurston  
UNITED STATES DISTRICT JUDGE